



Department of Justice

REMARKS

BY

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AT THE

NATIONAL CONFERENCE
ON
IMPROVING THE QUALITY OF CRIMINAL HISTORY RECORDS

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I am delighted to join this National Conference on Improving the Quality of Criminal History Records -- sharing with you the good news, too often ignored, that continuing, nationwide compilation of criminal records has shown recent and significant improvement. You are here to keep on top of that process, and we want to help you in every way we can. You deserve our thanks for the excellent work you have already done, and I want to offer you the continuing support of the Department of Justice for the rest of the complicated job that lies ahead of you.

Let me emphasize that this is not an academic exercise, undertaken to meet the appetite of the research community. As I hope to outline for you, there is straight-line relationship between complete and accurate criminal history records and an effective attack upon violent crime. Your expertise is a matter of no small concern to our citizenry -- six million of whom last year were victims of criminal violence. So keep in mind that the work you will do here this week has the currency of today's headlines, and the impact of the six o'clock news.

And the technology you will examine is key. Long ago, in simpler times, basic laws could be set forth on Hammurabi's column or on stone tablets. You might say that what Moses brought down from the mountain was the First Crime Bill. Those clear Thou Shalt Nots will always stand as law for humankind, but the inhuman record of their violation must ever continue to multiply in both entry and complexity. These days the real back-

up to make the tablets of the law enforceable must be the computer.

What we're pleased to find is that many of you have already made a fine start in this direction. At present, criminal histories are automated to a substantial degree in a large majority of the states, and more are working toward that goal. But what is lacking -- as you will explore in depth this week -- is completeness, even in many of these computerized criminal histories.

Let me summarize this lack in completeness, as if I were searching for a criminal record myself in our nation's criminal history records system. First, when I put in the name under investigation and access over 24 million criminals on file at the FBI, I stand only a two-in-three chance of seeing any criminal record, if and when I find the name -- because over 8 million of such records are not computerized. Worse, among those 24 million names, 40 to 60 percent of the records, computerized or not, are incomplete -- with no disposition of the criminal action. That's problem number one, but there is more.

If I then turn to "Triple I" -- the Interstate Identification Index which we are working so hard to perfect -- this pointer system will send me back to the state files themselves to vet the name I have under investigation. So far,

20 states are accessible through Triple I, and others will be rapidly joining, but still there are difficulties. Only 32 states presently have even 50 per cent of their criminal records automated. In short, only three out of five states have even one out of two criminals in their computers. But far more troubling, only 23 states have criminal records that are complete, on only 70 percent or more of the names on file. In sum, less than half the states have even reasonably complete records on criminals and the crimes they have committed.

These lacunae in our criminal records must be eliminated -- ideally to a point where automation provides immediate access to all criminal histories, and complete disposition and compilation have brought all criminal records to the highest degree of reliability. And in this last regard, we are not without fault here in Washington. The FBI still has over 3 million criminal records that await updating with final dispositions, and 500,000 new files that must be started. All this backlog and lagtime must be addressed by both the states and the Bureau if full access is finally to go hand in hand with total reliability.

Our offer of help -- from the Department of Justice -- is, initially, some \$27 million in grants over three years to the states. We want these funds to be used to complete the upgrading process -- by automation and/or compilation -- that so many of

you have already started, while the FBI works overtime -- with another \$12 million -- to catch up on its own files.

That way, we can all be up and ready for whatever next requirements the Congress may choose to lay upon the nation's criminal justice system.

Even as we gather here today, the Senate is debating two different crime bills -- one version offered by Senator Joseph Biden, the other being the President's Comprehensive Violent Crime Bill. We believe that the President's bill clearly embodies the most effective proposals to halt violent crime. The President's approach is based on a fundamental principle that reaches right down to street level: the most effective way to reduce violent crime is to get violent criminals off the streets and into prison. I am convinced his bill will, in large part, become law. But let me speak here to all possible eventualities, including one that the President has said he would accept if it came to his desk as part of his own crime bill.

I am speaking, of course, about various proposals -- including the Brady Bill -- that would effectuate some form of background check in connection with over-the-counter purchase of handguns. Clearly, improving the quality of criminal history records is absolutely essential for any police check on gun purchases, whether that check is voluntary or mandatory.

And as you well know -- and I have only been emphasizing -- the records needed to make the match-up of a potential firearms purchaser with his or her possible criminal past do not adequately exist. To put it bluntly, you couldn't come up with the needed facts, on a consistent basis -- even within a mandated seven-day waiting period.

That is a principal reason for calling this conference, and for spending nearly \$40 million dollars on improving the quality of criminal record keeping -- to bring the NCIC and Triple I and all state criminal record-keeping into national sync, ensuring we can track down all those felons who pose the greatest threat to our society, whatever may pass.

Yes, these improvements will make it possible to implement a point-of-purchase check against the sale of any firearm to a convicted felon, should Congress require such a check.

But let me tell you something else these improved records will help us do, regardless of how Congress acts on gun control. Let me tell you how we are already using these criminal histories to stop more armed and dangerous criminals from possessing firearms than ever show up in any sporting goods store or gun dealer emporium.

The disturbing truth is that today only one out of six felons actually purchases his or her weapon openly from a gun store. Five out of six murder weapons actually come from the rampant, illegal, underground black market in deadly arms -- where nobody waits seven days to run a computer check on a drug-dealer offering 80 grams of cocaine for a street-sweeper or a Uzi. That, in the risk and anonymity of the black market, is already a done deal.

This illicit gun trade is five times larger than the rogue purchase of legal weapons by undetected felons. And these armed criminals are only to be stopped by physically rounding them up, along with their illegal weapons. Taking these desperados and their firearms off the streets is exactly what we seek to do -- with the help of improved criminal histories -- through Operation Triggerlock.

We launched Triggerlock this spring to enlist the cooperation of local authorities in targeting criminal predators in their communities who can be charged under the Federal Armed Career Criminal Act. What does this mean? It means that those with three prior federal and/or state felony convictions for violent or drug offenses will be charged whenever they are found in possession of a firearm. These may be hard men, but they make easy marks. Under federal law, they can be swiftly sentenced to

15 years in prison -- no probation, no parole, no plea bargaining, and no more problem to society.

And if Congress passes new provisions of the President's Crime Bill, these cases will be even easier to make. One "prior" plus possession of a gun will send a felon away for five years.

And what is the real key to turning the key in Triggerlock, so that these violent predators are sent very far away for simple possession of a firearm? Their criminal histories. They are the sole source for those incriminating "priors." Triggerlock cases are made by the match-ups that come out of carefully completed record-keeping -- the "hits" that we can make by running their names through that maze of prior convictions that you are here today to help clear up, for good and all.

Just keep in mind that the more complete and up-to-date and accessible your criminal records become, the better chances we stand of putting the armed and dangerous career criminal behind bars. And that is real gun control.

As I noted in my report this spring on our efforts to improve these records, the ramifications of reform and modernization are broad:

"Criminal history records are the most widely used records within the criminal justice process; they are the

linchpins of major reforms and improvements in criminal justice administration. . . .Law enforcement officials use these data in making decisions about appropriate charges, in categorizing the offender as a serious or habitual criminal, in plea-bargaining and in making bail recommendations; judges use criminal history records in making bail and sentencing determinations; probation, parole and corrections officials use the information in making their recommendations about incarceration, supervision, monitoring or release."

So I trust you will approach the rest of your week here -- and the work ahead in perfecting and streamlining your criminal history records -- with the care of scholars, the dedication of law enforcement officers, and the determination of bloodhounds. You are not just helping to set up the records. You are actually helping to make the collars.